

# ***Wetland Permitting and Certification***

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**DHEC Ocean and Coastal Resource Management**

# SCDHEC-OCRM Regulatory Authority

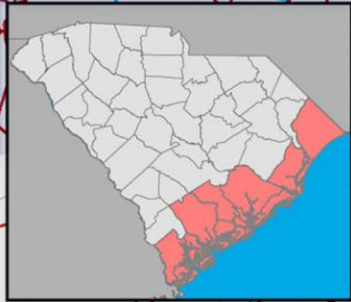
- **1972 Federal Coastal Zone Management Act**
- **1977 Coastal Tidelands and Wetlands Act**
- **1979 Coastal Management Plan Adopted**
  - **Amended in 1993**
  - **Amended in 1995**

# Spectre LLC v. DHEC

- **Supreme Court ruling upholds validity and importance of the Coastal Management Program policies**
- **Affirms DHEC's denial of land disturbance permit based on enforceable policies regarding impacts to "isolated" wetlands**
- **Decision does not expand state regulatory authority over wetlands**

# Area of Responsibility

- **8-County Coastal Zone & offshore to 3 nautical miles**
- **Direct Permitting Authority in the “Critical areas” of the Coastal Zone**
- **Indirect Certification Authority for all state and federal permits in Coastal Zone – consistency with CZMA**



Coastal Zone  
Consistency  
Certification  
Water Supply  
Waste Water  
Air  
NPDES  
Mining  
Landfills  
Stormwater  
Direct Federal  
Actions, Permits  
and Funding

Critical Area  
(Offshore)  
Energy Siting,  
Development  
and  
Transmission  
Sand Resources

Critical Area  
Docks  
Marinas  
Boat Ramps  
Bulkheads  
Dredging  
Renourishment



CRITICAL AREA  
COASTAL ZONE

OCRM COASTAL ZONE & CRITICAL AREA JURISDICTION

# Actions

## Direct Permitting Authority

- Individual Critical Area Permits
- Joint Permits with ACOE (404, Section 10)
- General Permits
- Beachfront Notifications
- Maintenance and Repair Requests
- Critical Area Lines

## Indirect Permitting Authority

- State
  - Water Supply
  - Wastewater
  - NPDES
  - Landfills
- Federal
  - Direct Federal Actions
  - Federal Permit and License
  - Federal Funding



# CZC Review Process

**If a state permit such as NPDES (State Land Disturbance):**

- **Administratively Complete / Incomplete application**
- **10 day Public Notice**
- **Internal CZC review of associated Wetland impacts**

# CZC Review Process

**State and Federal permit applications are reviewed to avoid, minimize and mitigate impacts to:**

- **Endangered Species**
- **Cultural and Archeological Resources**
- **Stormwater Management**
- **Wetlands**
  - **Excavating / Ditching**
  - **Clearing**
  - **Filling**
  - **Road Crossing**
  - **Temporary Impacts (Utility, Access, etc.)**



# Appeal Procedure

- If the permit request is found inconsistent with the enforceable policies of the SCCZMP, the applicant has the right to appeal the decision.
- The applicant has 15 days from the date the permit decision is mailed to request a review of staff's decision to SCDHEC's Board.
- If DHEC Board passes, applicant can request a hearing before the Administrative Law Court.

# Enforcement

- **Responsibility is with the permitting agency**
- **Compliance component**



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**<http://www.scdhec.gov/ocrm>**

